



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,221	10/16/2001	Qi Yu	USP1588A-OI2	4093
30265	7590	03/16/2009	EXAMINER	
DAVID AND RAYMOND PATENT FIRM 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			COBANOGLU, DILEK B	
			ART UNIT	PAPER NUMBER
			3626	
			MAIL DATE	DELIVERY MODE
			03/16/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. 09/978,221	Applicant(s) YU, QI	
Examiner DILEK B. COBANOGLU	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 December 2008.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 54-72,76,79-86 and 88-91 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 54-72,76,79-86 and 88-91 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

1. This communication is in response to the amendment received on 12/02/2008. Claim 88 has been amended to correct a typographical error; claims 54-72, 76, 79-86 and 88-91 remain pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 54-72, 76, 79-86 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent Publication No.2002/0065682 A1) in view of Evers et al. (hereinafter Evers) (U.S. Patent No. 5,558,638).

A. Claims 54-72, 76, 79-86 and 88 have not been amended. These claims are rejected for the same reasons given in the previous office action (paper numbers 2-18), and incorporated herein. Applicant's arguments regards to rejection of these claims will be addressed below in the order in which they appear.

4. Claim 89 is rejected under 35 U.S.C. 103(a) as being anticipated over Goldenberg (U.S. Patent Publication No. 2002/0065682 A1) and Evers et al. (hereinafter Evers) (U.S. Patent No. 5,558,638) in view of Khaled et al. (hereinafter Khaled) (U.S. Patent No. 5,416,804).

Art Unit: 3626

A. Claim 89 has not been amended, and Applicant does not appear to argue the separate patentability of this claim. As such, claim 89 is rejected for the same reasons given in the previous Office Action (paper numbers 18-19), and incorporated herein.

5. Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent Publication No. 2002/0065682 A1), Evers et al. (hereinafter Evers) (U.S. Patent No. 5,558,638), Khaled et al. (hereinafter Khaled) (U.S. Patent No. 5,416,804) and further in view of Swing (U.S. Patent No. 6,522,929 B2).

A. Claim 90 has not been amended, and Applicant does not appear to argue the separate patentability of this claim. As such, claim 90 is rejected for the same reasons given in the previous Office Action (paper numbers 19-20), and incorporated herein.

6. Claim 91 is rejected under 35 U.S.C. 103(a) as being anticipated over Goldenberg (U.S. Patent Publication No. 2002/0065682 A1), Evers et al. (hereinafter Evers) (U.S. Patent No. 5,558,638), Khaled et al. (hereinafter Khaled) (U.S. Patent No. 5,416,804), Swing (U.S. Patent No. 6,522,929 B2) and further in view of Bologna (U.S. Patent Publication 2003/0023129).

A. Claim 91 has not been amended, and Applicant does not appear to argue the separate patentability of this claim. As such, claim 91 is rejected for the same reasons given in the previous Office Action (paper numbers 20-21), and incorporated herein.

Response to Arguments

7. Applicant's arguments filed 12/02/2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below in the order in which they appear.

A. In response to Applicant's argument about Goldenberg does not teach "receiving a treatment request based on a separately obtained diagnosis record"; Examiner respectfully submits that claim recites (step c) "receiving a treatment request from said information connection system according to a diagnosis record of said registered user through the internet" and Goldenberg teaches "the first level of service is primarily informational, allowing a user to request information at the specific level of sophistication appropriate to the user's ability to use the information. At a second level of service the user can comment on the adequacy of the information and the system can determine if referral to a professional is necessary. At a third level of service a client-professional relationship is established and a professional advises the patient concerning the information needed and other actions which should be taken. At this level, the system can also identify several professionals who should form a team to advise the patient. At a fourth level of service, the system physically interacts with the patient, using monitoring devices or treatment devices. The system communicates messages to and from the devices to monitor patient parameters and to administer management advice, including monitoring or treatment, such as with drugs or other chemicals." In paragraph 0011.

Art Unit: 3626

B. In response to applicant's argument that Goldenberg does not teach "audio and visual treatment", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The present specification describes audio and visual treatment in paragraph 0077 as "If the treatment instrument 40 is the computer 20 itself, the digital treatment signals received in the computer substantially controls the computer 20 to produce predetermined visual and audio messages. For example, for a registered user having a manic-depressive psychosis, the registered user may select the manic-depressive psychosis as the health problem to be treated in the step (e-1) and select the visual and audio health treatment as the biological treatment correspondingly in the step (e-2). Then, for example, the registered user may receive the respective treatment information data package which contains both visual and audio digital treatment signals to display a specific films in the monitor 21 and broadcasting a specific music through the speakers 22 of the computer 20." Goldenberg teaches "A system according to the invention can be implemented in multiple levels on a network. One convenient way of implementing such a system is to provide a site on the world wide web of the Internet which can be accessed by the users. Users can select levels of service from this virtual doctor web site. At the highest level of service according to the invention, advances in telemedicine are incorporated in

Art Unit: 3626

this virtual doctor web site by linking diagnostic systems available in the home or in local medical facilities to the central web site in order to transmit physical and chemical findings and data for analysis by the advising health professionals. These could involve, for example, cardiac and circulatory functions, blood tests, urinalysis, sputum tests, etc., which can be used to monitor the patient. It is also envisioned that this can be an interactive treatment system, whereby the central monitor can send signals to a monitor in the patient that controls the discharge of energy impulses, chemicals, and drugs that regulate the patient's body functions." In paragraph 0027. According to Goldenberg's invention; the patient can receive an audio and visual treatment since the patient is able to use a virtual web doctor, therefore Goldenberg's structure would be able to play a music or a film for the patient.

C. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., oriental medicine theory in carrying out diagnosis and treatment procedures) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3626

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGLU whose telephone number is (571)272-8295. The examiner can normally be reached on 8-4:30.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 09/978,221

Page 8

Art Unit: 3626

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B. C./

Examiner, Art Unit 3626

3/8/2009

/Robert Morgan/

Primary Examiner, Art Unit 3626